

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,	:	Case No. CR-1-02-143
	:	
Plaintiff,	:	Judge Dlott
	:	
v.	:	
	:	
SAMUEL PETER NICKOLAS,	:	<u>MOTION FOR CONTINUANCE</u>
	:	<u>OF HEARING DATE AND TO</u>
Defendant.	:	<u>ALTER TRAVEL</u>
	:	<u>RESTRICTIONS</u>

Now comes Defendant, Samuel Peter Nickolas, by and through counsel, and respectfully moves the Court for a continuance of the Supervised Release Revocation Hearing date in this matter and to alter Nickolas' travel restrictions so that he can travel to Key West, Florida to clean up damage to a piece of commercial property Nickolas controls in Key West.

Specifically, Nickolas holds a lease on a piece of commercial property in Key West, Florida. The property currently houses a commercial business named the "Iron Body Gym"; Nickolas has a business interest in the gym. The property also contains an apartment where Nickolas maintains a second residence. According to Nickolas, the property was recently damaged by Hurricane Rita and currently has approximately 18 inches of water in the property. Nickolas opines that he will need to be in Key

West for approximately 2 weeks to assess and repair any damage to the property.

A continuance of the hearing date is required so that Nickolas may travel to repair damage to the property and avoid any further financial losses to the property caused by Hurricane Rita. Counsel for Defendant Nickolas has discussed this continuance with Lorraine Cooper, United States Probation Officer, and Ms. Cooper has indicated that she has no objection to Nickolas traveling to Key West to avoid further financial losses, although she recognizes that his travel could effect the hearing date.

Wherefore, Samuel Peter Nickolas respectfully requests that this Court continue the hearing date to a time mutually convenient to this Court and counsel, and further, that his travel restrictions be altered to allow him to travel to the Southern District of Florida.

Respectfully submitted,

STEVEN R. KELLER,
FEDERAL PUBLIC DEFENDER

s/W. Kelly Johnson

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon Amul Thapar, Assistant United States Attorney, by electronic filing on September 22, 2005.

s/W. Kelly Johnson

W. Kelly Johnson